

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
No. 2:14-MC-4-BO

IN RE: CROC, LLC)
Debtor/Appellant.)
_____)

ORDER


This matter is before the Court on appeal from the Bankruptcy Court's order converting the debtor's chapter 11 case to one under chapter 7, which was entered on December 11, 2013, as well as the order entered on February 24, 2014, denying the debtor's motion to alter or amend the December 11, 2013 order. Upon filing the notice of appeal, the debtor also filed an emergency motion to stay the activities of the newly appointed chapter 7 trustee pending appeal. The Bankruptcy Court denied the motion to stay on March 19, 2014. On May 21, 2014, this Court denied debtor's motion to stay the activities of the chapter 7 trustee. On August 5, 2014, the bankruptcy administrator filed a motion directed to this Court seeking a dismissal of the pending appeal, in light of a May 22, 2014 order approving a compromise and sale of debtor's property, the occurrence of which has rendered the appeal moot. In an August 27, 2014 order, the Bankruptcy Court found that the debtor has not complied with Rule 8006 of the Federal Rules of Bankruptcy Procedure by failing to provide payment for the transcripts and by failing to provide electronic copies of exhibits designated to be included in the record. The Bankruptcy Court then recommended that the notice of appeal be dismissed by this Court.

Under Rule 8006, a party requiring a transcript "shall, immediately after filing the designation . . . make satisfactory arrangements for payment." Failure to comply is grounds for dismissal of the appeal. *See* FED. R. BANKR. P. 8001(a). The Bankruptcy Court made a finding that debtor had not complied with Rule 8006 in its August 27, 2014 order. Further it appears as

though the debtor's appeal has been rendered moot by the Bankruptcy Court's May 22, 2014 order approving a compromise and sale of debtor's property. Accordingly, the Court DISMISSES the appeal.

SO ORDERED.

This the 6 day of October, 2014.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE